REMARKS

Claims 1-8, 10, 11, 13-18, 20, 21 and 23-27 remain pending in the application. Reconsideration is respectfully requested in light of the following remarks.

Claim Objection:

The Office Action objected to claim 23 due to an informality. Claim 23 has been amended to correct the informality. Accordingly, Applicants respectfully request removal of the objection.

Section 103(a) Rejection:

The Office Action rejected claims 1-27 under 35 U.S.C. § 103(a) as being unpatentable over Weinlaender (U.S. Publication 2002/0015056) in view of Garber et al. (U.S. Patent 4,905,163) (hereinafter "Garber"). Applicants respectfully traverse this rejection for at least the following reasons.

Claim 1

In regard to claim 1, contrary to the Examiner's assertion, Weinlaender in view of Garber fails to teach or suggest maintaining a user help knowledge base, wherein said maintaining comprises creating a plurality of data entries, wherein **each** data entry of said plurality of data entries comprises data indicating: (a) help information presented to a user by said software application in response to a selection of a help information file comprising the help information, (b) a presentation mode selected by the user, wherein said help information is presented to the user according to said presentation mode selected by the user, and (c) an application context, wherein the application context is a portion of said software application executing during said selection of the help information file. Weinlaender does disclose a "user profile data set" that stores "help topic data sets (130) and/or the frequency and/or the type of a user's access to utilization

function of a software program" (Abstract). Similarly, in column 7, lines 40-44, Garber discloses "...the User Modeling system might be used to examine an individual's user history, determine what concepts are not understood and select a presentation mode best able to communicate those concepts." However, neither Garber's "user history" nor Weinlaender's "user profile data set" (individually or in combination) contain a plurality of data entries according to the specific limitations of claim 1. **More specifically, Garber and Weinlaender, taken singly or in combination, fail to teach or suggest anything at all about data entries comprising data that indicates an application context, wherein the application context is a portion of said software application executing _during the prior selection of the help information file_.**

More specifically, Applicant's note that the Examiner has failed to specify the portion of the cited art that corresponds to the claimed _each data entry comprising data indicating_ help information _presented to a user by said software application in response to a selection of a help information file comprising the help information,_ much less _each data entry comprising data indicating an application context, wherein the application context is a portion of said software application executing during said selection [referring to a past selection "presented" to the user] of the help information file_. Note that claim 1 recites that each data entry comprise data indicating _help information presented [past tense] to a user in response to a selection, and the application context during that prior selection_.

Furthermore, in regard to _wherein each data entry of said plurality of data entries comprises data indicating help information presented to a user by said software application in response to a selection of a help information file comprising help information,_ the Examiner cites paragraph [0022] of Weinlaender, which is reproduced below:

> Since a user can still access the group of available help topic data sets 130 directly, it is advantageous that the component 110 records the frequency and/or the types of this access via a data interface 164 too, and that the component 110 includes the frequency and/or the types of this access in the user profile data set 110 too. It is furthermore advantageous if time stamps are assigned to the recorded types of access in the user profile data

set 110, which can be called up from a time base 140 via a data interface 163. Advantageously, the user profile data set 110, which is assigned to a user, is stored in a memory unit 5 via a data interface 168. Respective user profile data sets 110 of other users may be intermediately stored in the memory 5 via a further data interface 501.

While paragraph [0022] does mention "frequency" and "types of access", it clearly fails to teach or suggest that each data entry comprises data <u>indicating help information presented</u> to a user by said software application <u>in response to selection of a help information file</u> comprising help information. Note that "frequency" and "type of access" do not indicate the actual help information that was presented, let alone help information that was presented <u>in response to selection of a help information file</u>.

Moreover, claim 1 also requires that each data entry of said plurality of data entries also comprises data indicating an application context, wherein the application context is <u>a portion of said software application executing during said selection of the help information file</u>. Presumably, the Examiner considers the user "access[ing] the group of available help topic data sets [] directly" (paragraph [0022] of Weinlaender) to somehow teach the *selection* of claim 1. However, "said selection" in claim 1 refers the a selection of a help information file for help information that has already been "presented" to the user. Thus, "said selection" in claim 1 refers to a prior selection. The user's ability to "still access the group of available help topic data sets 130 directly" as taught in paragraph [0022] of Weinlaender has <u>absolutely nothing to do</u> with each data entry also comprising data indicating an <u>application context</u> that is <u>a portion of said software application *executing during the past selection* of the help information file</u>. The cited art is ambiguous at best with respect to which portions of Weinlaender's application are executing at various times. **The cited art certainly does not teach or suggest that each data entry indicates <u>help information</u> <u>presented</u> (past tense) to a user by said software application <u>in response to a selection of a help information file</u> comprising the help information, <u>and</u> that each data entry also indicates <u>an application context</u> that is <u>a portion of said software application executing during the past selection of the help information file</u>.**

The Examiner also cites paragraphs [0009], [0013], and [0022] of Weinlaender to teach the limitation *wherein each data entry of said plurality of data entries comprises data indicating an application context, wherein the application context is a portion of said software application executing during said selection of the help information file.* The Examiner also asserts "where recorded the types of access also apply to user's access to the help information, therefore the context during said selection of help information must also be stored in a data entry." **The Examiner's conclusion does not make sense and is not supported by the actual teaching of the reference.** The Examiner's conclusion that "the context during said selection of help information must also be stored in a data entry" is completely unfounded. There is no reason why any context would need to be stored to indicate "types of access" in Weinlaender. Moreover, claim 1 does not recite "types of access" and also does not recite mere "context." Instead, claim 1 requires that each data entry also comprises data indicating an application context that is a portion of said software application *executing during the past selection* of the help information file. The "types of access" in Weinlaender has absolutely nothing to do with each data entry also comprising data indicating an application context that is a portion of said software application *executing during the past selection* of the help information file. The cited art is ambiguous at best with respect to which portions of Weinlaender's application are executing at various times. The cited art does not describe any particular portion of a software application executing during a selection of a help information file and that each data entry of a plurality of data entries comprises data indicating an application context, wherein the application context is that portion of the software application that was executing during the selection of the help information file. The Examiner's assertion that "the context during said selection of help information must also be stored in a data entry" is not supported by the cited art or any other evidence of record.

Additionally, the cited art fails to teach or suggest selecting <u>additional</u> help information for presentation to a user <u>based on a particular entry</u> of the user help knowledge base, where that entry indicates <u>previously selected help information,</u> <u>presentation mode,</u> and <u>application context,</u> as recited in claim 1. The Examiner cites paragraph [0009] and paragraph [0013] of Weinlaender. In paragraph [0009],

Weinlaender specifically discloses that his help system "selects help topic data sets" "wherein this selection is dynamically dependent on a user's actual <u>access frequency</u> and actual <u>types of access</u>" (emphasis added). **However, neither "access frequency" nor "types of access" is the same as** *a portion of the software application executing during said selection of the help information file.* In paragraph [0013], Weinlaender provides examples of the "types of access" recorded in his user profile data set including "types of activated user functions; the data types processed by the activated user functions; and the user's dialog techniques to activate the user functions," **none of which are the same as an application context**, wherein the application context is **a portion of said software application executing** *during said selection of the help information file*. The cited art clearly does not teach or suggest *selecting* <u>*additional*</u> *help information for presentation to a user* <u>*based on a particular entry of the user help knowledge base*</u> *indicating help information previously selected by a user as indicated by said particular entry.*

Further in regard to claim 1, Garber and Weinlaender do not teach or suggest determining a presentation mode for the additional help information <u>based on said particular entry</u> of the user knowledge base, where that entry indicates previously selected help information, presentation mode, and application context, as recited in claim 1. The Examiner cites column 2, line 52 – column 3, line 4 and column 7, lines 27-37, neither of which teach or suggest anything at all about the specific data entries of Applicant's claim, much less determining a presentation mode <u>based on one of such data entries</u>. The Examiner asserts "where monitoring users' activity to determine preferences means their previously selected presentation modes must be stored in some type of data entry." The Examiner's statement is factually incorrect. Monitoring does not require storing. Moreover, whether Garber teaches "some type of data entry" is irrelevant as Garber certainly does not teach data entries according to the <u>specific limitations</u> of claim 1, much less determining a presentation mode for the additional help information based on a particular one of such data entries.

Furthermore, Applicants assert the Examiner has not stated a proper reason as to why one or ordinary skill in the art would combine the teachings of Garber

with the teachings of Weinlaender to produce Applicants' invention as claimed. The Examiner asserts "[i]t would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of Garber with the system of Weinlaender since doing so would allow help information to be presented in a mode according to the user's typical preferences (Garber: Column 7, lines 27-37)." However, column 7, lines 27-37 of Garber <u>fail to mention anything at all about help information</u>. Similarly, Weinlaender fails to mention anything about multiple presentation modes. Since Weinlaender fails to mention anything about multiple presentation modes and Garber fails to mention anything at all about help information, one of ordinary skill in the art would have no direction or reason to combine their teachings to "allow help information to be presented in a mode according to the user's typical preferences", much less create Applicants' specific invention as claimed. The Examiner is merely attempting to reconstruct Applicant's claimed invention through hindsight analysis.

Thus, for at least the reasons presented above, the rejection of claim 1 is unsupported by the cited art and removal thereof is respectfully requested. Similar remarks apply to claim 21.

<u>Claim 11</u>

In regard to claim 11, Applicant's note the Examiner has failed to state a *prima facie* rejection of Applicant's claim. More specifically, the Examiner asserts "the limitations of the claims are similar to those of claim 1, therefore it is rejected under the same rationale as applied above." However, the limitations of claim 11 are not the same as the limitations of claim 1. Furthermore, claim 11 includes limitations not present within claim 1. For instance, claim 11 recites a.) a user help knowledge base comprising data indicating an application context, wherein the application context is a portion of the software application executing during a selection of said help information previously accessed by the user and b.) a current application context that indicates a portion of the software application currently executing. Claim 1 does not recite a current application context as recited in claim 11. Accordingly, the Examiner has failed to state a *prima*

facie rejection of Applicant's claim. Furthermore, neither Weinlaender nor Garber, taken singly or in combination, teach or suggest selecting particular help information for presentation to a user based on a user help knowledge base (which indicates an application context, wherein the application context is a portion of the software application executing during a selection of said help information previously accessed by the user) <u>and</u> a *current* application context that indicates a portion of the software application *currently* executing.

Furthermore, Weinlaender in view of Garber fails to teach or suggest selecting particular help information for presentation to a user based on (a) a user help knowledge base comprising data indicating (i) help information previously accessed by the user, (ii) a previous presentation mode, wherein the previous presentation mode is associated with said help information previously accessed by the user, and (iii) an application context, wherein the application context is a portion of the software application executing during a selection of said help information previously accessed by the user; and (b) a current application context that indicates a portion of the software application currently executing. As demonstrated above with respect to claim 1, Weinlaender does disclose a "user profile data set" that stores "help topic data sets (130) and/or the frequency and/or the type of a user's access to utilization function of a software program" (Abstract). Similarly, in column 7, lines 40-44, Garber discloses "…the User Modeling system might be used to examine an individual's user history, determine what concepts are no understood and select a presentation mode best able to communicate those concepts." However, neither Garber's "user history" nor Weinlaender's "user profile data set" indicate information previously accessed by a user, a previous presentation mode <u>and</u> an application context according to the specific limitations of claim 11. **More specifically, Garber and Weinlaender, taken singly or in combination, fail to teach or suggest anything about a user help knowledge base that indicates an application context, <u>wherein the application context is a portion of said software application executing</u> *<u>during said selection of the help information file</u>*.**

Applicant's note that the Examiner has failed to specify the portion of the cited art that corresponds to the claimed *selection of said help information file previously accessed by the user,* much less *selecting particular help information for presentation to a user based on a user help knowledge base comprising data indicating an application context wherein the application context is a portion of the software application executing during a selection of said help information previously accessed by the user.* Applicant's remind the Examiner of MPEP 707.07(d), which requires that, in an Examiner's Action, the ground of rejection should be fully and clearly stated. The Examiner does cite paragraph [0022] of Weinlaender, which is reproduced above with respect to claim 1. Paragraph [0022] fails to explicitly teach or suggest *a selection of said help information file previously accessed by the user,* much less *selecting particular help information for presentation to a user based on a user help knowledge base comprising data indicating an application context wherein the application context is a portion of the software application executing during a selection of said help information previously accessed by the user.* Even were the cited art to teach such a selection, claim 11 recites an application context, wherein the application context is <u>a portion of the software application executing during a selection of said help information previously accessed by the user</u>. Presumably, the Examiner considers the user "access[ing] the group of available help topic data sets [] directly" (paragraph [0022] of Weinlaender) to somehow teach the *selection* of claim 11. Irrespective of the correctness of such position, for the Examiner's rejection to remotely make sense, the cited art would have to teach an application context that is <u>a portion of said software application</u> *<u>executing during a selection of said help information previously accessed by the user</u>*. Again, under the presumption that the Examiner considers "access[ing] the group of available help topic data sets [] directly" to somehow teach the *selection* of claim 11, Applicant's assert that the cited art fails to teach or suggest that *selecting particular help information for presentation to a user based on a user help knowledge base comprising data indicating an application context wherein the application context is a portion of the software application* <u>*executing during a selection of said help information previously accessed by the user*</u>. The cited art is ambiguous with respect to which portions of Weinlaender's application are executing at various times. The cited art certainly does not teach or suggest a portion of a software application

executing during the selection of a help information file previously access by the user <u>and</u> selecting particular help information for presentation to a user based on a user help knowledge base comprising data indicating an application context wherein the application context is a portion of the software application executing during a selection of said help information previously accessed by the user.

Furthermore, the Examiner cites paragraphs [0009], [0013], and [0022] and asserts "where recorded the types of access also apply to user's access to the help information, therefore the context during said selection of help information must also be stored in a data entry." **The Examiner's assertion does not make sense and is not supported by any evidence of record.** As demonstrated above, the cited art is ambiguous with respect to which portions of Weinlaender's application are executing at various times. The cited art does not teach or suggest selecting particular help information for presentation to a user based on a user help knowledge base comprising data indicating an application context wherein the application context is a portion of the software application executing *during a selection of said help information previously accessed by the user*. The Examiner's assertion that "the context during said selection of help information must also be stored in a data entry" is not supported by the cited art or any other evidence of record.

Furthermore, Applicants assert the Examiner has not stated a proper reason as to why one or ordinary skill in the art would combine the teachings of Garber with the teachings of Weinlaender to produce Applicant's invention as claimed. The Examiner asserts "[i]t would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of Garber with the system of Weinlaender since doing so would allow help information to be presented in a mode according to the user's typical preferences (Garber: Column 7, lines 27-37)." However, as demonstrated above, column 7, lines 27-37 of Garber fail to mention anything at all about help information. Similarly, Weinlaender fails to mention anything about multiple presentation modes. Since Weinlaender fails to mention anything about multiple presentation modes and Garber fails to mention anything at all about help information,

one of ordinary skill in the art would have no motivation at to combine their teachings to "allow help information to be presented in a mode according to the user's typical preferences" much less create Applicant's invention as claimed. The Examiner is merely attempting to reconstruct Applicant's claimed invention through hindsight analysis.

Thus, for at least the reasons presented above, the rejection of claim 11 is unsupported by the cited art and removal thereof is respectfully requested.

Claim 26

In regard to claim 26, Weinlaender in view of Garber fails to teach or suggest determining a priority for presentation of the help information *based on one or more help rules*, wherein said priority indicates an order of presentation for different portions of said help information <u>and</u> presenting the selected help information according to the determined presentation mode <u>and</u> said priority. The Examiner cites paragraphs [0009] and [0026]-[0029] of Weinlaender, none of which teach or suggest the specific limitations of claim 26. More specifically, nowhere does Weinlaender mention anything at all about help rules, much less determining a priority for presentation of the help information *based on one or more help rules*, wherein said priority indicates an order of presentation for different portions of said help information. The Examiner asserts "where the selected help information is dynamically selected depending on user's utilization focus or utilization habits." However, a user's utilization focus and/or habits has nothing to do with help rules, much less determining a priority for presentation of the help information *based on one or more help rules*, wherein said priority indicates an order of presentation for different portions of said help information.

Furthermore, the Examiner has not stated a proper reason as to why one or ordinary skill in the art would combine the teachings of Garber with the teachings of Weinlaender to produce Applicant's invention as claimed. The Examiner asserts "[i]t would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of Garber with the system of Weinlaender since

doing so would allow help information to be presented in a mode according to the user's typical preferences (Garber: Column 7, lines 27-37)." However, as demonstrated above, column 7, lines 27-37 of Garber fail to mention anything at all about help information. Similarly, Weinlaender fails to mention anything about multiple presentation modes. Since Weinlaender fails to mention anything about multiple presentation modes and Garber fails to mention anything at all about help information, one of ordinary skill in the art would have no motivation at to combine their teachings to "allow help information to be presented in a mode according to the user's typical preferences" much less create Applicant's invention as claimed. The Examiner is merely attempting to reconstruct Applicant's claimed invention through hindsight analysis.

Thus, for at least the reasons presented above, the rejection of claim 26 is unsupported by the cited art and removal thereof is respectfully requested.

<u>Claim 4</u>

In regard to claim 4, Weinlaender in view of Garber fails to teach or suggest prioritizing the additional help information for presentation based on the user help knowledge base and one or more help rules each associated with a change in application context of the software application. The Examiner cites paragraphs [0009] and [0026]-[0029] of Weinlaender, none of which teach or suggest the specific limitations of claim 26. More specifically, nowhere does Weinlaender mention anything at all about help rules, much less prioritizing the additional help information for presentation *based on* the user help knowledge base *and one or more help rules* each associated with a change in application context of the software application. The Examiner also asserts "where the selected help information is dynamically selected depending on user's utilization focus or utilization habits" and "frequency and/or types of access to functions/learning characteristics etc, <u>which have to come from recorded changes in application context</u>" (emphasis added). Applicant's note that the Examiner's assertions with respect to application context are not supported by any evidence of record. Furthermore, as demonstrated above, nowhere does Weinlaender mention

anything at all about help rules, much less prioritizing the additional help information for presentation *based on* the user help knowledge base *and one or more help rules* each associated with a change in application context of the software application.

Thus, for at least the reasons presented above, the rejection of claim 4 is unsupported by the cited art and removal thereof is respectfully requested. Similar remarks apply to claim 14.

Claim 5

In regard to claim 5, Weinlaender in view of Garber fails to teach or suggest wherein selecting additional help information for presentation comprises selecting help information from third-party service providers based on the user help knowledge base. The Examiner acknowledges that Weinlaender does not teach this limitation. The Examiner cites page 4, paragraph [0039] of Weinlaender, which discloses computer networks including the Internet, and asserts the limitations of claim 5 are obvious in light of such disclosure. The Examiner further asserts that "[t]he skilled artisan knows that computer networks based on communication via the Internet would allow for help presentation from third-party service providers to be selected." First, the Examiner has not provided any documentary evidence in support of his assertion. Furthermore, whether or not various modifications *could* be allowed via computer networks is irrelevant as the Examiner has not provided a proper reason as to *why* one of ordinary skill in the art would be motivated to use such modifications to alter the teachings of Weinlaender and Garber in a way that would result in Applicant's claimed invention.

Furthermore, Applicant's assert the Examiner has not provided a proper reason as to why one of ordinary skill in the art would modify the teachings of Weinlaender and Garber in such a way that would result in Applicant's claimed invention. In the response to arguments section of the Final Office Action, the Examiner asserts "Information can be retrieved from various sources and Weinlaender would have

been motivated to have additional help information available from third-party service providers <u>in order to not limit the help information available to what is available on their database</u>" (emphasis added). **The Examiner's reasoning is circular and conclusory.** Furthermore, the Examiner has not provided <u>any documentary evidence</u> that teaches or suggests modifying the teachings of Weinlaender and Garber in such a way that would result in Applicant's claimed invention. Since Weinlaender and Garber fail to mention anything at all about selecting help information from third-party service providers based on the user help knowledge base, Applicant's assert the rejection is improper.

Thus, for at least the reasons presented above, the rejection of claim 5 is unsupported by the cited art and removal thereof is respectfully requested. Similar remarks apply to claim 15.

Claim 25

In regard to claim 25, Weinlaender in view of Garber fails to teach or suggest wherein the system further comprises a network interface accessible to the processor, and wherein the help module further comprises a communication interface to a server for communications with a third party service provider, wherein the help module is further configured to request information from the third party service provider and to receive the information through the communication interface. The Examiner admits that Weinlaender does not disclose this limitation. The Examiner cites page 4, paragraph [0039] of Weinlaender, which discloses computer networks including the Internet, and asserts the limitations of claim 25 are obvious in light of such disclosure. The Examiner asserts that "[t]he skilled artisan knows that computer networks based on communication via the Internet (third party server) require a communication interface that would allow for the help module to request and receive information." First, the Examiner has not provided any documentary evidence in support of his assertion. Furthermore, whether or not various modifications *could* be allowed via computer networks is irrelevant as the Examiner has not provided a proper reason as to *why* one of ordinary skill in the art would be motivated to use such modifications to alter

the teachings of Weinlaender and Garber in a way that would result in Applicant's claimed invention. The rejection of claim 25 is not supported by any actual evidence of record.

Furthermore, Applicant's assert the Examiner has not provided a proper reason as to why one of ordinary skill in the art would modify the teachings of Weinlaender and Garber in such a way that would result in Applicant's claimed invention. In the response to arguments section of the Final Office Action, the Examiner asserts "Information can be retrieved from various sources and Weinlaender would have been motivated to have additional help information available from third-party service providers <u>in order to not limit the help information available to what is available on their database</u>" (emphasis added). **The Examiner's reasoning is circular and conclusory.** Furthermore, the Examiner has not provided <u>any documentary evidence</u> that teaches or suggests modifying the teachings of Weinlaender and Garber in such a way that would result in Applicant's claimed invention. Since Weinlaender and Garber fail to mention anything at all about wherein the system further comprises a network interface accessible to the processor, and wherein the help module further comprises a communication interface to a server for communications with a third party service provider, wherein the help module is further configured to request information from the third party service provider and to receive the information through the communication interface, Applicant's assert the rejection is improper.

Thus, for at least the reasons presented above, the rejection of claim 25 is unsupported by the cited art and removal thereof is respectfully requested.

CONCLUSION

Applicants submit the application is in condition for allowance, and notice to that effect is respectfully requested.

If any fees are due, the Commissioner is authorized to charge said fees to Meyertons, Hood, Kivlin, Kowert, & Goetzel, P.C. Deposit Account No. 501505/6034-04500/RCK.

Respectfully submitted,

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